

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TOMMY FUENTEZ,	)	1:02-CV-05948 GSA HC
	)	
Petitioner,	)	ORDER REGARDING BRIEFING
	)	
v.	)	
	)	
FRED BROWN,	)	
	)	
Respondent.	)	

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Petitioner is a state prisoner proceeding with a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. He is represented by Barry L. Morris, Esq. Respondent is represented by Melissa J. Lipon, Esq., of the Office of the Attorney General for the State of California.

On February 17, 2010, a Telephonic Status Conference was held before the undersigned for the purpose of scheduling an evidentiary hearing in this matter. With the agreement of the parties, the evidentiary hearing was set for May 18, 2010. In addition, the deadline for briefing was set for April 19, 2010. (See Docket Entry #113). On April 20, 2010, Respondent submitted briefing and a statement of witnesses. Respondent states a timely submission was attempted but mistakenly filed in a different case. To date, the Court has not received briefing from Petitioner.

Accordingly, Petitioner is DIRECTED to file his brief within five (5) days of the date of

1 service of this Order, or show cause why said brief has not been submitted.<sup>1</sup>

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3 IT IS SO ORDERED.

4 **Dated: April 20, 2010**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE

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27 <sup>1</sup>Local Rule 110 provides: "Failure of counsel or of a party to comply with these Rules or with any order of the Court  
28 may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court."